

HOW TO DETERMINE IF A PROPERTY IS IN FORECLOSURE

- 1) Go to property appraisers website (<http://gisims2.miamidade.gov/myhome/propmap.asp>)
 - a. Do a property search to find the official name of the owner and to see what the legal description of the property is
 - i. Can search by address, owner name, folio number
- 2) Go to Clerk of Court's website (<http://www2.miami-dadeclerk.com/public-records/Search.aspx>)
 - a. Search in recorded documents for a lis pendens against this property
 - b. Must search by owner's name
 - i. This can be tricky b/c the owner may own multiple properties and b/c there may be hundreds of recorded documents with that name if it is a common name
 - ii. But can make it easier to find by restricted the search by document type "LIS" for lis pendens
 - c. Once you see a lis pendens, open the PDF of the document to read to see WHICH property the lis pendens is for or click on the document number
 - i. A lis pendens references the legal description (which sounds something like lot 5 block 4, in XYZ subdivision) and not the street address. Which is why in step 1 when you look at the property appraisers' website you want to write or print the legal description of the property as well
 - d. If you find a lis pendens that matches the legal description of the property then you know that at some point the mortgaging entity initiated a foreclosure.
 - i. BUT: This doesn't mean that the property is STILL in foreclosure or that it was EVER in foreclosure which is why you have to go on to Step 3
 - ii. NOTE: while you are looking for the lis pendens, if you find the mortgage recorded for that property, print it too b/c you might need it in the next step. Mortgages are recorded with the category "MOR" and they too will have to reference a street or legal address. Look for ALL mortgages on this property—esp the most recent one.
- 3) Go to the Clerk of Courts website and search the "civil/probate docket" (<http://www2.miami-dadeclerk.com/Civil/Search.aspx>)
 - a. Can search by case number = which may be listed on the lis pendens (but sometimes this doesn't work)
 - i. If you can't find a case that way, then search by the owners name (but again this may be complicated if the owner is in foreclosure on multiple properties)
 1. So look on the lis pendens and/or the mortgage documents, to find out who the foreclosing Plaintiff is (ie. Bank of America, Deutsche Bank, etc.) You want to find the case where the plaintiff is the bank/mortgagor listed on the lis pendens and the owner is the defendant.
- 4) Once you have found the right case, open the docket and look to see the procedural posture of the case. Has there been a final judgment, has the judicial sale been set. Was the case dismissed? Etc.